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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,922	09/26/2001	Neil D. Falconer	0112300-638	1274

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EXAMINER

MARKS, CHRISTINA M

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 08/27/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/963,922

Applicant(s)

FALCONER, NEIL D.

Examiner

C. Marks

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

The Examiner notes the inclusion of the identifying marks of the trademarks noted in the amendment filed 04 June 2003.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-5, 7-12, 14-20, 22-27 and 29 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Inoue (US Patent No. 5,609,524).

Regarding claims 1, 8, 15, and 22, Inoue discloses a gaming device with a primary game that has a plurality of independently operable identical sets of reels (FIG 1, sets includes a vertical set, a horizontal set, diagonal set, etc.) wherein each set has a plurality of reels (FIG 1). The gaming machine further comprises a plurality of identical sets of symbols on each of the sets of reels (Column 3, lines 37-39). The gaming device has a plurality of paylines associated with the reels wherein each payline is associated with a set and each set has at least one payline associated with it (FIG 1, references 6a-6d). The device includes a display adapted to simultaneously display the sets of reels (Column 3, lines 27-29; Column 4, lines 14-25) and also has a processor that communicates with the display device that enables a player to wager on the paylines associated with the sets of reels (Column 4, lines 15-25). Further, the processor evaluates each of the sets of reels wagered on by the player for winning combinations of symbols

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on the paylines (Column 4, lines 54-63) and provides payouts to the player based on the combinations of symbols and the player's wager (Column 4, lines 66-67; Column 5, lines 1-3).

Further regarding claim 8, the display allows the player to wager by lighting arrows to indicate the paylines bet on (Column 4, lines 7-15) and the reels are simultaneously spun (Column 4, lines 14-25).

Further regarding claim 15, the processor controls the display device (Column 4, lines 15-25) and evaluates wagers made by the player and places the wager on a payline (Column 3, lines 53-59). The processor places the wager on a payline associated with a first set of reels and places a subsequent wager on a payline with a second set of reels if all the payline associated with the first set of reels are wagered on by the player (Column 3, lines 53-59). There are multiple sets of reels available in the Inoue disclosure. If the horizontal rows are established as the first set, then the vertical rows could be defined as a second set wherein the vertical rows (second set) can not be wagered upon until the horizontal rows (first set) have been wagered upon (Column 3, lines 53-59).

Further regarding claim 22, the player is enabled to wager on any of the paylines associated with the reels (Column 3, lines 53-59).

Regarding claim 2, the player is placing a wager on predetermined combinations (Column 4, lines 55-60) to occur and the player is allowed to make this wager on at least one of the paylines (Column 3, lines 53-59).

Regarding claim 3, this ability to wager on predetermined combinations (Column 4, lines 55-60) also includes the ability to wager on a plurality of the paylines associated with at least two of the sets of reels (Column 3, lines 53-59).

Regarding claim 4, this ability to wager on predetermined combination (Column 4, lines 55-60) further includes the ability to wager on at least one payline associated with each of the reels (Column 3, lines 53-59).

Regarding claim 5, the player also can wager on one or a combination of the sets of reels for a predetermined combination (Column 4, lines 55-60) to occur on a payline (Column 3, lines 53-59).

Regarding claim 7, the gaming device also enables the player to wager on at least one of the paylines associated with a second set of reels when the player wagers on all of the paylines associated with the first set of reels (Column 3, lines 53-59). There are multiple sets of reels available in the Inoue disclosure. If the horizontal rows are established as the first set, then the vertical rows could be defined as a second set wherein the vertical rows (second set) can not be wagered upon until the horizontal rows (first set) have been wagered upon (Column 3, lines 53-59).

Regarding claim 9, the processor (Column 4, lines 55-60) and the display device (Column 4, lines 7-15) allow the player to place a wager on predetermined combinations (Column 4, lines 55-60) to occur and the player is allowed to make this wager on at least one of the paylines (Column 3, lines 53-59).

Regarding claim 10, this ability to wager on predetermined combinations (Column 4, lines 55-60; Column 4, lines 7-15) also includes the ability to wager on a plurality of the paylines associated with at least two of the sets of reels (Column 3, lines 53-59).

Regarding claim 11, this ability to wager on predetermined combination (Column 4, lines 55-60; Column 4, lines 7-15) further includes the ability to wager on at least one payline associated with each of the reels (Column 3, lines 53-59).

Regarding claim 12, the player also can wager on one or a combination of the sets of reels for a predetermined combination (Column 4, lines 55-60; Column 4, lines 7-15) to occur on a payline (Column 3, lines 53-59).

Regarding claim 14, the gaming device also enables the player to wager on at least one of the paylines associated with a second set of reels when the player wagers on all of the paylines associated with the first set of reels (Column 3, lines 53-59). There are multiple sets of reels available in the Inoue disclosure. If the horizontal rows are established as the first set, then the vertical rows could be defined as a second set wherein the vertical rows (second set) can not be wagered upon until the horizontal rows (first set) have been wagered upon (Column 3, lines 53-59).

Regarding claim 16, the player is placing a wager on individual paylines (Column 4, lines 55-60) associated with the sets of reels (Column 3, lines 53-59).

Regarding claim 17, the player is placing a wager on predetermined combinations (Column 4, lines 55-60) to occur and the player is allowed to make this wager on at least one of the paylines (Column 3, lines 53-59) associated with the reels.

Regarding claim 18, this ability to wager on predetermined combinations (Column 4, lines 55-60) also includes the ability to wager on a plurality of the paylines associated with at least two of the sets of reels (Column 3, lines 53-59).

Regarding claim 19, this ability to wager on predetermined combination (Column 4, lines 55-60) further includes the ability to wager on at least one payline associated with each of the reels (Column 3, lines 53-59).

Regarding claim 20, the player also can wager on one or a combination of the sets of reels for a predetermined combination (Column 4, lines 55-60) to occur on a payline (Column 3, lines 53-59).

Regarding claim 23, the player is placing a wager on individual paylines (Column 4, lines 55-60) associated with the sets of reels (Column 3, lines 53-59).

Regarding claim 24, the player is placing a wager on predetermined combinations (Column 4, lines 55-60) to occur and the player is allowed to make this wager on at least one of the paylines (Column 3, lines 53-59) associated with the reels.

Regarding claim 25, this ability to wager on predetermined combinations (Column 4, lines 55-60) also includes the ability to wager on a plurality of the paylines associated with at least two of the sets of reels (Column 3, lines 53-59).

Regarding claim 27, the gaming device also enables the player to wager on at least one of the paylines associated with a second set of reels when the player wagers on all of the paylines associated with the first set of reels (Column 3, lines 53-59). There are multiple sets of reels available in the Inoue disclosure. If the horizontal rows are established as the first set, then the vertical rows could be defined as a second set wherein the vertical rows (second set) can not be

wagered upon until the horizontal rows (first set) have been wagered upon (Column 3, lines 53-59).

Regarding claim 29, the player also can wager on one or a combination of the sets of reels for a predetermined combination (Column 4, lines 55-60) to occur on a payline (Column 3, lines 53-59).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 6, 13, 21, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue (US Patent No. 5,609,524) in view of Nicastro et al. (US Patent No. 5,569,084).

What Inoue discloses has been discussed above and is incorporated herein.

While Inoue discloses a number of winning combinations (Column 5, lines 1-3) that allow the player to wager on predetermined combinations of symbols, it is not disclosed that Inoue allows the player to wager on the symbols not occurring on the paylines. It is very well known in the art, as well as disclosed by Nicastro et al., to allow players to wager on the fact that no symbols will occur on the paylines (FIG 4). By allowing players to wager on the fact, that no symbols will occur on the paylines, the players will feel a greater chance of winning, as it is well known that often the payline stops just between two symbols. Given the opportunity to win on such a stop, the players feel more excited to play the game as they feel that since it occurs so often, they will have a greater chance of winning, if awarded for the payline not having symbols. For these reasons, one of ordinary skill in the art would be motivated to combine the teachings of

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Nicastro et al. into the paytables of Inoue to allow the player to wager on no symbols being present on the payline.

Response to Arguments

Applicant's arguments with respect to claims 1-28 in view of Manship et al. have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment has caused the Examiner to change the rejection. The amendment now reads on the disclosure of Inoue and thus the Examiner has acknowledged this above and thus instituted the new grounds of rejection based upon the limitations of the newly amended claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 5,775,692: Gaming device that a plurality of sets of reels that each have their own paylines associated with. The second reel is operable based upon the first.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Marks whose telephone number is (703)-305-7497. The examiner can normally be reached on Monday - Thursday (7:30AM - 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa J Walberg can be reached on (703)-308-1327. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9302 for regular communications and (703)-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1148.

cmm

cmm

August 13, 2003

T. Walberg

Teresa Walberg
Supervisory Patent Examiner
Group 3700